

By Poerner & Boock

1st B. No. 1270

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the 253rd Judicial District composed of Comal, Hays, and Caldwell counties; prescribing in addition to its jurisdiction as a district court concurrent jurisdiction with the county courts in said counties in certain cases; providing for transfer of cases; amending Subchapter C, Judicial Districts Act of 1969, as amended (Article 199a, Vernon's Texas Civil Statutes), by adding Section 3.049; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Subchapter C, Judicial Districts Act of 1969, as amended (Article 199a, Vernon's Texas Civil Statutes), is amended by adding Section 3.049 to read as follows:

"Section 3.049. (a) The 253rd Judicial District is hereby created.

"(b) The jurisdiction of the 253rd District Court shall have all jurisdiction now or hereafter prescribed by the constitution and laws of this state for district courts, which jurisdiction shall be concurrent with the jurisdiction of the 22nd District Court of Comal, Hays, and Caldwell counties. In addition the 253rd District Court and the judge thereof shall have and exercise original jurisdiction in matters of eminent domain and original and appellate jurisdiction concurrent with the county courts of Hays and Caldwell counties in all civil matters and causes over which under the general laws of this state

1 a county court would have jurisdiction, exclusive of the
2 jurisdiction of a county court in probate matter conferred by the
3 constitution and laws of this state. The 253rd District Court
4 and the judge thereof shall have original and appellate
5 jurisdiction concurrent with the county courts of Hays and Caldwell
6 counties in all criminal matters and causes over which under the
7 constitution and law of this state, a county court has
8 jurisdiction.

9 "(c) The jurisdiction of the county courts of Comal, Hays,
10 and Caldwell counties is not changed.

11 "(d) The county clerks of Hays and Caldwell counties shall,
12 at the request of the district judge of the 253rd District Court,
13 with the concurrence of the county judge of the court affected,
14 within 30 days after this Act takes effect, file with the clerk
15 of the 253rd District Court all original papers in cases designated
16 by such judge within the concurrent jurisdiction of the county
17 court and the 253rd District Court and all judge's dockets and
18 certified copies of any interlocutory judgment or other order
19 entered in the minutes of the county court in the cases so
20 transferred. The district clerk shall immediately docket all
21 such cases on the docket of the 253rd District Court. All such
22 cases shall stand on the docket of the district court in the same
23 manner and place as each stands on the docket of the county court.
24 It shall not be necessary that the district clerk refile any
25 papers theretofore filed by the county court, but papers in the
26 case bearing the file mark of the county clerk prior to the time
27 of the transfer shall be held to have been filed in the case as

1 of the date filed without being refiled by the district clerk,
2 The county clerk in cases so transferred shall accompany the
3 papers with a certified bill of cost, and against all cost
4 deposits, if any, the county clerk shall charge accrued fees due
5 him, and the remainder of the deposit he shall pay to the district
6 clerk as a deposit in the particular case for which deposited.
7 Credit shall be given litigants for all jury fees paid in the
8 county court.

9 "(e) This section shall not be construed to in anywise or
10 manner affect final judgments heretofore rendered by the county
11 courts of said counties pertaining to matters and causes which
12 by this section are transferred to the district court. The county
13 court shall retain jurisdiction to enforce those final judgments
14 and the county clerk of the county shall issue all writs of
15 execution and orders of sale and proceedings thereunder, and his
16 act in so doing shall be valid and binding to all intents and
17 purposes the same as if no change had been made as set out in
18 this Act."

19 Sec. 2. The importance of this legislation and the crowded
20 condition of the calendars in both houses create an emergency and
21 an imperative public necessity that the constitutional rule
22 requiring bills to be read on three several days in each house
23 be suspended, and this rule is hereby suspended, and that this
24 Act take effect and be in force from and after its passage, and
25 it is so enacted.

By POERNER &
BOCK

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the 253rd Judicial District composed of Comal, Hays, and Caldwell counties; prescribing in addition to its jurisdiction as a district court concurrent jurisdiction with the county courts in said counties in certain cases; providing for transfer of cases; amending Subchapter C, Judicial Districts Act of 1969, as amended (Article 199a, Vernon's Texas Civil Statutes), by adding Section 3.049; and declaring an emergency.

FILED MAR 8 1973

READ 1ST TIME
AND REFERRED TO COMMITTEE ON

MAR 19 1973

Dorothy Hallman
Chief Clerk, House of Representatives

1270